

South Dakota Board of Funeral Service
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Newsletter article for Funeral Association

In this newsletter article I wish to discuss one of two subjects. In this newsletter I want to discuss the different characteristics of associations and licensure boards. In an article to follow, I would like to explain how regulatory statutes and rules become law and how an association and a licensure board can work together or work against each other when it comes to establishing legal statutes or the rules and regulations.

First off, as the Executive Secretary of the South Dakota Board of Funeral Service (SDBFS), I acknowledge the importance of a strong licensure board and a strong professional association. South Dakota is fortunate to have both. In order to be able to function on the best possible level and utilize the strength of each organization, the public, licensees and association members need to understand the differences and functions of both an association and a licensure board.

The mission statement for the South Dakota Board of Funeral Service is as follows:

Mission Statement: To receive consumer inquiries and complaints; to license funeral practitioners and establishments in the State of South Dakota which ensure the consumer that he is dealing with qualified practitioners and establishments; to register all trainees in funeral service and administer an apprenticeship program for the trainees; to improve inspection procedures of funeral homes and crematories; to enforce the updated statutes and rules and regulations governing the practice of funeral service in South Dakota, including complaint processing from the consumer and licensees; and, to make investigations and hold hearings as needed.

This mission statement revolves around protection of the consumer. Part of the Board's duties includes licensing applicants, whether homes, crematories or embalmers, to insure that they meet all the requirements established by law. This is one of the main differences between the licensure board and the association. In order to work as a funeral embalmer/director or funeral director you must be qualified and pay the licensure fee to the South Dakota Board of Funeral Service. It is your option to join the South Dakota Funeral Directors' Association and pay the required dues for joining. Many vendors, companies and individuals who are not directly involved in funeral service may join an association. The law does not require membership in an association, but the law requires licensure for your profession. But there is much more to each entity.

The South Dakota Funeral Director's Association (SDFDA) is the state level of the National Funeral Directors Association (NFDA). Tammy and Steve directed me to the National Funeral Directors Association Code of Professional Conduct. Part of the Association's code states the members obligations to the NFDA's ethical principle:

“Members have an ethical obligation to promote, participate and support the National Funeral Directors Association in its mission to help all members enhance the quality of funeral service to families.”

Unlike the professional associations that exist to advocate on behalf of the profession, the board has a regulatory function and is mandated with the protection of the public. South Dakota statutes authorize this mandate. I will cover the statutes, rules and regulations and how they are intertwined in Part 2 of this article. The bottom line is that the South Dakota Board of Funeral Service’s primary function is to protect the consumer. Furthermore, if we do not monitor and regulate our own profession (5 of 8 board members are licensees) then others may decide that there is a need to do so and become the guardians of our profession. Others may press for action that would be burdensome to the funeral profession or unfeasible for the licensure board to regulate.

A professional association, in my opinion, does in fact do more than just advocate for the profession. Your main objective is servicing your membership in the best professional manner. Some of your professional objectives can be reinforced by your membership in the Association. Your association may be considered a source of consumer education about the profession. A knowledgeable consumer is better able to understand the profession and makes more informed decisions when using the services offered by the funeral profession. The consumer will seek out and find the best possible funeral service to fulfill their needs. As association members, you strive to fulfill these needs by continuing to grow professionally through education, staying current and seeking positive comradeship amongst others in your profession. This may be why you joined a professional association.

Part of the licensure boards function is complaint processing from the consumer and licensees. The overwhelming majority of funeral licensees behave ethically; but the few who violate ethical and legal standards cause tremendous harm to their clients. The board’s empathy belongs with the injured. I was once given a card that explained the legal profession’s function. I have modified the statement to fit all licensure boards and find this very appropriate for teaching new board members why they have been appointed to a licensure board. So here is a short explanation: “A licensure boards primary function is to protect the public from members of their own profession”. The Board of Funeral Service has five members of your profession along with two lay people and a member from the Department of Health fulfilling this mandate. It is not an easy transition for funeral licensees to make to serve as regulators of their own profession, but the board members have stepped up to the plate and are capable of wearing the two different hats. (Do you think I could get any more metaphors in this sentence?)

On the national level, the South Dakota Board of Funeral Service (SDBFS) belongs to the International Conference of Funeral Service Examining Boards, Inc (ICFSEB). A small part of your licensure fee supports this membership. The mission statement of the ICFSEB is to be the resource for examination and information for funeral service regulatory agencies, to support education and to foster communication within the

profession. The conference supports the state levels with directories of Regulatory Boards and accredited Colleges, compilations in licensing and pre-need and a clearinghouse for information in areas of mutual concern. This is the organization that also gives the national examination recognized by the licensure board. For more information on ICFSEB, I encourage you to visit their web site at www.cfseb.org as this membership is critical to the function of the board.

The South Dakota Board of Funeral Service hold meeting via teleconference and in person in various locations. As a public board, meetings are open to anyone who wishes to attend. Meeting notices are sent to all board members, three daily newspapers, the Associated Press, Doneen Hollingworth of the Department of Health and the SD Funeral Directors' Association. Also, we ask our web master from the Department of Health to post the meeting schedules on the web page. Meetings are set in advance but with the nature of this profession may be postponed or cancelled on short notice. If you plan to attend, it is best to keep in contact with the board office or a board member. If you have an item you would wish presented to or discussed by the board at a meeting, it is beneficial for you to request in advance to be placed on the agenda.

Both the NFDA and the ICFSEB host separate annual conventions. The licensure board tries to send a board member and/or a staff person to the ICFSEB convention. These delegates keep the full South Dakota board abreast on national licensure issues and activities. One objective that I would like to see the ICFSEB take on is a national data bank of disciplined, suspended or revoked licensees reported to them by States taking disciplinary action so other states can use this information when granting or denying licensure.

We encourage you to visit the web site at www.state.sd.us/doh/funeral. On the web site you will find current forms, approved minutes, rosters and all the laws, rules and regulations plus other information and links. Feedback is appreciated as the cyber world is still a new outlet to us and we want to make this a beneficial site for all visitors.

All of us recognize the best thing for the licensure board, the licensees and the association members is cooperation and working together within the different structures of each entity. If anyone would like to personally discuss any topic with me, please feel free to contact me.